IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 3289 OF 2007

Shri Navnath Martand Shelar. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Vivek Salukhe for the applicant.

S.S.Pednekar, A.P.P. for the State.

CORAM: V.C.DAGA, J.

DATED: 29th October 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is seeking bail in connection with C.R.No.44/2007 registered with Junnar Police Station, Junnar, district- Pune for the offences punishable under sections 498-A, 304-B, 323, 504, 506 read with section 34 of Indian Penal Code.

3. The prosecution case is that on 31st May, 2007, deceased Minal, who was wife of the applicant, died unnatural death. The F.I.R. discloses allegations that she was ill treated since she did not

meet demand for money. That her character was also doubted by her husband, the present applicant. In such circumstances, offence came to be registered against the applicant.

4. The learned counsel for the applicant submits that the co-accused i.e. father-in-law, mother-in-law, brothers-in-law and their wives have already been granted bail and, therefore, the applicant would be entitled to bail.

5. He further submits that the applicant himself has lodged police complaint as such it should be presumed that he was not involved in commission of offence.

6. He further submits that no dying declaration was recorded. No statements of neighbours were recorded. Relying on the judgment of the learned single Judge of this Court in the case of **Subhash N. Bhandare v. State of Maharashtra**, 2003(7) LJSOFT 55, he submits that the applicant would be entitled to bail.

7. The learned A.P.P., appearing for the State, opposed bail application. He pointed out that deceased wife of the applicant died due to poisoning. The viscera report is yet to be received by the

investigating officer. He further submits that at the time of death deceased was pregnant. The applicant-husband was present in the house at the time of incident. She was in his custody. After about one hour from the time of admission in the hospital she expired. In these circumstances, learned A.P.P. submits that it was not possible to record dying declaration of the deceased.

8. The material available on record compels me to accept the submissions made by the prosecution. For the said reasons, this application is rejected.

JUDGE